



PATENT

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David G. Parkhurst
David G. Parkhurst, Reg. No. 29,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of)	Group Art Unit: 3735
)	
FERNANDO J. ISAZA, ET AL.)	Examiner: Unassigned
)	
Serial No. 09/811,104)	Docket No. PURIT 54796
)	
Filed: March 16, 2001)	U. S. Patent No. 5,881,717
)	
For: SYSTEM AND METHOD FOR)	Issued: March 16, 1999
ADJUSTABLE DISCONNECTION)	
SENSITIVITY FOR)	
DISCONNECTION AND)	June 20, 2002
OCCLUSION DETECTION IN A)	
PATIENT VENTILATOR)	Los Angeles, California 90045

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 CFR 1.47(a)

Box DAC
Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

Reconsideration of the Decision dated March 20, 2002 is respectfully requested. A Request for a One Month Extension of the initial period for response

Serial No. 09/811,104

accompanies this request for reconsideration.

The decision indicated that sufficient evidence had not been submitted to prove that diligent efforts were made to locate the non-signing inventor. Following the indication in the decision that a brief Internet search indicated that inventor Wong might be living in Rancho Santa Margarita, CA, an extensive Internet search was undertaken to locate inventor Wong. An address in Rancho Santa Margarita, CA for inventor Wong was located in a LexisNexis search, and a letter with copies of the Declaration and Power of Attorney, Assignment, and a Statement by Inventors, as well as the above noted application and preliminary amendment, were again mailed by Federal Express, to inventor Wong, along with a statement of refusal, in the event inventor Wong still chose to refuse to join in the application. The statement of refusal by inventor Wong was executed and returned to the undersigned on May 31, 2002, and is attached hereto. It is therefore believed that the written statement of refusal by inventor Wong should now suffice to meet the required showing under 37 CFR 1.47(a) that inventor Wong refuses to join in the application.

The decision indicated that the declaration was defective because the declaration did not specify the mailing address and residence for each inventor, and did not state that all errors being corrected in the reissue application up to the time of filing of the oath or declaration arose without any deceptive intention on the part of the applicant.

Serial No. 09/811,104

Duplicate originals of a substitute Declaration and Power of Attorney For Reissue Application signed by inventor Isaza and inventor Doyle are enclosed, noting the residence and mailing addresses for the inventors, and the last known residence and mailing address for inventor Wong. The substitute Declaration also includes a statement that "All errors being corrected in the above-identified application for reissue up to the time of filing of this declaration under 37 CFR 1.175(a) arose without any deceptive intention on the part of the applicants." Accordingly, it is believed that the requirement for a declaration is satisfied.

The decision also indicated that the consent of assignee required by 37 CFR 1.72(a) and 37 CFR 3.73(b) was defective in that the person who signed the submission establishing ownership interest was not recognized as an officer of the assignee, and was not established as being authorized to act on behalf of the assignee. Whereas the statement was signed by an assistant secretary of the corporation, the decision indicated that the statement must be signed by an officer of the corporation, and listed parenthetically as titles of officers the titles of president, vice president, secretary, or treasurer, referring to MPEP 324. Under MPEP 324, the submission may be signed by a person having apparent authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, and modification of the basic titles of president, vice-president, secretary or treasurer are acceptable, with the example given of

Serial No. 09/811,104

a modified title of assistant treasurer. It is therefore respectfully submitted that the similarly modified title of assistant secretary should also be acceptable under MPEP 324, and that the consent of assignee is not defective under MPEP 324.

A check in the amount of \$110.00 covering a one-month extension is enclosed. The Commissioner is authorized to charge any additional fees and credit any overpayment to Deposit Account No. 06-2425. A duplicate of this paper is attached for bookkeeping purposes.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



David G. Parkhurst
Reg. No. 29,422

DGP/rvw

Encls: Return Postcard

Statement of refusal by inventor Wong
Substitute Declaration and Power of Attorney (duplicate originals)
Request For A One Month Extension
Check for \$110

Howard Hughes Center
6060 Center Drive, Tenth Floor
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STATEMENT OF REFUSAL BY STANLEY Y. WONG

Commissioner for Patents
Washington, D.C. 20231

Sir:

I refuse to participate in the above noted reissue application, and refuse to
sign any declaration or oath in connection with this matter.

Date: May 24, 2002

Stanley Y. Wong
STANLEY Y. WONG